IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 7127 of 2005(W)

AGAINST THE ORDER IN EP.185/2003 IN
OS.582/1998 of PRL.MUNSIFF COURT, KOCHI
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PETITIONERS:
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1. K.S. BINDU, AGED 34 YEARS,
D/O. LATE SUKUMARAN, KALATHIL HOUSE,
NAYARAMBALAM P.O., ERNAKULAM DISTRICT.

2. K.S. BIJU, AGED 29 YEARS,
S/O. LATE SUKUMARAN, KALATHIL HOUSE,
NAYARAMBALAM P.O., ERNAKULAM DISTRICT.

BY ADV. SMT.K.K.RAGHI

RESPONDENTS:
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1. P.C. MURALEEDHARAN, S/O. CHANDRAN,
PULICKAL HOUSE, PERINJANAM VILLAGE,
EDAMUTTOM, REPRESENTED BY POWER OF ATTORNEY
HOLDER MRS.LEENA MURALEEDHARAN,PULIKKAL HOUSE,
EDAMUTTOM, KODUNGALLOOR TALUK, THRISSUR DISTRICT.

2. K.S. SANDHYA D/O. SUKUMARAN,
DO. DO.

3. K.S. MINI, D/O. SUKUMARAN, DO. DO.

4. MANI W/O. SUKUMARAN, DO. DO.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 7127/2005 W

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE SALE PROCLAMATION PUBLISHED DT. 29/1/2005.

EXT.P2. COPY OF THE PETITON FILED BY THE PETITIONERS IN EP NO. 185/2003 IN OS NO. 582/98 ON THE FILE OF THE MUNSIFF COURT, KOCHI.

EXT.P3. COPY OF THE WILL DEED DT. 27/111/91 DT. 17/4/91.

RESPONDENT'S EXHIBITS

NIL

True copy

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PIUS C. KURIAKOSE, J.

W.P.(C) No. 7127 OF 2005

Dated this the 22nd day of June, 2007

JUDGMENT

Even though service is completed on the respondents, there is no appearance for them. This writ petition is filed by the judgment debtor whose properties have been proclaimed for sale by the execution court raising serious contention that the value of the property proposed to be sold is much more than the value shown in the proclamation. Noticing the above contention, this court admitted the writ petition and granted stay on condition that the petitioners remit a sum of Rs.25,000/- within six weeks from 02.03.05. It is not clear whether the above condition has been complied with by the petitioners. Since there is no contest by the respondent, I am inclined to dispose of the writ petition itself by issuing the following directions:

If the petitioners have complied with the condition imposed by paying a sum of Rs.25,000/- within six weeks from the date of the stay order passed by this court, then the execution court will hold up execution proceedings for a further period of 4 months from today. It is open to the petitioners to identify a purchaser for any portion of her property in the meanwhile. Once a purchaser is identified, concurrence of the decree holder is to be sought by the petitioners. The petitioners

will file an application seeking permission to sell that portion of the property to the prospective purchaser and considering that application the court below will ensure that the amounts necessary for discharging the decree debt will be given by the prospective purchaser towards the credit of the decree. At any rate if the issue is not settled between the parties within four months, the court below will continue with the execution proceedings from the stage at which this court granted stay. The benefit of this judgment will be available to the petitioners only if they have complied with the conditions imposed by this court on 02.03.05.

PIUS C. KURIAKOSE, JUDGE

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